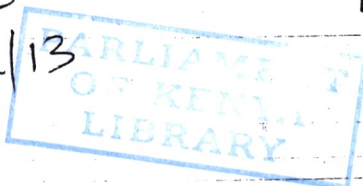


REPUBLIC OF KENYA



*Mr. Speaker
Request is made
Kindly approve -
JK 3/12/13*

*Approved
3/12/13*



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT
(FIRST SESSION)

*Paper laid
by chair, DC-Labour
& Social Welfare
on 5/12/2013
in afternoon sitting
Ruk*

REQUEST FOR STATEMENTS

Hon. Speaker,

Pursuant to Standing Order 44(2) (c), I wish to request for a statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the renaming of the Moi International Sports Center, Kasarani, to Safaricom Sports Center.

Hon. Speaker, the Moi International Sports Center, Kasarani, is a Historical National Heritage that Kenyans hold in great esteem. Any attempt to change the historical names of places we hold dear such as this has major implications on the gains we have made over the years as a Republic.

Hon. Speaker, whereas corporate sponsorship from major firms such as Safaricom is most welcome, attempts to change names of such infrastructural heritage to reflect their corporate sponsors do not auger well for the Country. This is a second attempt to rename a National Stadium, after an unsuccessful attempt to rename Nyayo National Stadium to Coca Cola Stadium.

Hon. Speaker, in the statement, the Chairperson should inquire into and report on:-

- I. Steps taken by the Government to prevent National Stadium Management from altering historical names for financial gain;
- II. Steps being taken to reverse the naming of Moi International Sports Center, Kasarani, to Safaricom Stadium;
- III. Steps being taken by the Government to develop a framework to manage the renaming of public infrastructural developments such as roads, stadiums and Airports to protect and prevent such alterations.

Hon. Joseph Limo, M.P.

MEMBER FOR KIPKELION EAST CONSTITUENCY

Date..... *2/12/2013*



REPUBLIC OF KENYA



MINISTRY OF SPORTS, CULTURE AND THE ARTS OFFICE OF THE PRINCIPAL SECRETARY

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Kencom House
P.O. Box 49849-00100
Nairobi, Kenya

MNH 10/1/VOL.II/(C)

5th December, 2013

Justin N. Bundi,
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI

RE: REQUEST FOR A STATEMENT

Further to a letter KNA/DC-J/CORR.2013/(20) dated 4th December, 2013 addressed to the Principal Secretary, Ministry of Sports, Culture and the Arts regarding the renaming of the Moi International Sports Centre Kasarani, I forward the statement as below;

MINISTERIAL STATEMENT ON AWARDING OF NAMING RIGHTS TO SAFARICOM FOR THE KASARANI STADIUM AND THE INDOOR ARENA LOCATED AT MOI INTERNATIONAL SPORTS CENTRE (MISC)

a) Background

Sports Stadia Management Board (SSMB) is State Corporation under the Ministry of Sports, Culture and the Arts whose mandate is to develop, manage and market sports and recreational facilities in Kenya. SSMB is under the Ministry of Sports, Culture and the Arts.

SSMB currently manages the Moi International Sports Centre (MISC) and Nyayo National Stadium.



MISC is a complex sitting on approx. 1000 acre land and comprises of the following facilities;

- i) The Main Stadium
- ii) The Indoor Arena (Gymnasium)
- iii) The Aquatic Complex
- iv) The Stadion Hotel
- v) Housing Estate
- vi) The upcoming International Sports Academy, The Public Golf Course, The Performing Arts Centre, The Motor Race Track amongst other proposed projects.

In the SSMB's Strategic Plan for the period 2011-2017, the board has prioritized to develop strategic partnerships and collaborations for facility development and increased utilization through formulation of proposals to attract funding, investments and sponsorships. One of the key areas for exploitation is the Naming and branding rights. This is also captured in the Board's annual Performance contract for the year 2013/2014.

b) Concept of Naming Rights

The Concept of Naming Rights involves the legitimate owner/manager of a sports facility giving up the rights to name the facility to an independent sponsoring institution (usually a corporate body or product) at an agreed upon fee for an agreed upon period of time.

Naming rights is a relatively new concept not just in Kenya but in Africa as a whole. Kenya is the second country after South Africa to venture into the concept. In South Africa for instance, the flagship stadium for the Government of Gauteng popularly known as Soccer City is now renamed **FNB Stadium** after First National Bank bought naming rights to the facility.

However in Europe, naming rights has achieved marked success with examples ranging from the Arsenal Stadium (now Emirates Stadium), Bolton Wanderers Stadium (now Reebok Stadium) and Manchester City Stadium (now Etihad Stadium) just to mention but a few.

c) SSMB/Safaricom deal – The process

The SSMB/Safaricom was a culmination of a number of consultative forums with various authorities. SSMB Board adopted the proposal on 27th April 2012. Further SSMB sought consent from the parent Ministry on 4th May 2013 which was granted on 8th May 2013.

SSMB put up tender public notice on May 17th 2013 in Daily Nation newspaper and on May 21st 2013 in The Star Newspaper where it sought bids for naming rights for the two facilities in Moi International Sports Centre, that is;

- i) The Main Stadium
- ii) The Indoor Arena (Gymnasium)

After the tender process was completed, amongst the 10 firms that responded, Safaricom Ltd offered the most competitive bid with a total bid of KES 55 million for a two (2) year period. In addition, they committed to undertake improvements to both facilities at a cost of KES 155 million over and above the money paid directly to SSMB. This makes a total package of KES 210 million for the two year period.

It is also worth noting that, apart from the above benefits, the agreement with Safaricom Ltd is very progressive and allows for other Synergy projects to be negotiated within the contract period.

d) Response to Parliaments Request for Statement

The Departmental Committee on Labour and Social Welfare has sought a statement on the SSMB/Safaricom deal;
Specifically,

- i) **Steps being taken by the Government to prevent National Stadium Management from altering historical names for financial gain.**

Back in the year 2009 when a naming rights deal was offered to Coca Cola, SSMB sought Legal opinion from State Law Office in March 2009 in respect to changing of name Nyayo. The legal opinion given directed that an organization can seek the Minister's written opinion to use specified names (e.g. Nyayo or Moi) without contravening the provisions of Section 3 (a)-(c) of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya.

With respect to naming rights agreements world over, the alteration of the original name is usually temporal and normally the original names revert back at the end of contract period. Also, exclusion of use of the commercial name during state functions is usually factored into the contract.

ii) Steps being taken to reverse the naming of Moi International Sports Centre, Kasarani to Safaricom Stadium

In the case of the SSMB/Safaricom deal, Moi International Sports Centre has not been interfered with and remains as is. The two facilities within the centre offered to Safaricom for naming rights do not bear any protected name as shown in the pictures attached.

iii) Steps being taken by the Government to develop a framework to manage the remaining public infrastructural developments such as roads, stadiums and airports to protect and prevent such alterations

Section 3 (a)-(c) of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya provides a legal framework on protection and alteration of names emblems and national flags.

Further the attached legal opinion by the Solicitor General clearly outlines the exceptions to prohibitions as set out in the Act. The exceptions are indeed necessary for Stadiums sustainability as the concept of naming rights is one of the acknowledged best practices internationally.

CONCLUSION

- (a) The Government has taken adequate steps in ensuring that historical names are not altered for financial gain.
- (b) The Moi International Sports Centre, Kasarani has not changed its name to Safaricom Stadium. Safaricom has merely acquired temporary naming rights for a period of two years over two of the arenas which previously did not have specific names, that is, the Main Stadium and The Indoor Arena (Gymnasium).
- (c) The Government has an existing framework to protect and prevent alterations to Public Infrastructural developments.



PATRICK OMUTIA
PRINCIPAL SECRETARY

Encl.

7B

SSMB/NR/348 (70)

4th May, 2012

Mr. James Waweru, CBS
Permanent Secretary
Ministry of Youth Affairs & Sports
Kencom House
P.O. Box 34303 – 00100
NAIROBI

Dear Sir,

RE: NAMING AND BRANDING RIGHTS AT MOI
INTERNATIONAL SPORTS CENTRE – KASARANI (MISC -K)

The Board of Directors of Sports Stadia Management Board (SSMB) held a meeting on Friday 27th April, 2012 at Nyayo National Stadium where the management was given approval to pursue naming and branding rights for facilities under Moi International Sports Centre – Kasarani.

The basis of the approval was on the following facts;

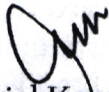
1. The name of the entire Sports Stadia Management Board (SSMB) estate located at Kasarani will continue to be known as Moi International Sports Centre (MISC-K).
2. The facilities within namely;
 - The main stadium
 - The Aquatic stadium
 - The indoor arena, commonly referred to as the gymnasium,
 - The Stadion Hotel

- The housing estate will be on offer for naming and branding rights.
- 3. The facilities will continue to be under the management and administration of Sports Stadia Management Board (SSMB).
- 4. The rights will be offered under a three (3) year, renewable contract to the most competitive bidder.

Consequently the Board intends to advertise these opportunities as soon as possible. This concept remains one of the most reliable methods of securing corporate sponsorship in the maintenance and development of sports facilities worldwide.

It is in view of this that I am writing to seek guidance and consent from your office before we proceed.

Yours *Sincerely,*



Gabriel Komora
Ag. Chief Executive Officer



25

MINISTRY OF YOUTH AFFAIRS AND SPORTS
OFFICE OF THE PERMANENT SECRETARY

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Website: www.youthaffairs.go.ke
E-mail: infor@youthaffairs.go.ke
When replying please quote

Kencom House, 3rd Floor
P.O. Box 34303-00100
NAIROBI, KENYA



MYS 14/10 Vol. IV(42)

8th May 2013

Ref.No. and date

Mr. Gabriel Komora
Ag. Chief Executive Officer
Sports Stadia Management Board
Private Bag
KASARANI

Dear *Mr. Komora,*


NAMING RIGHTS

Refer to your letter No. SSMB/NR/348/92 dated 29th January, 2013 on the above mentioned subject.

In line with your core functions and powers provided for under the Sports Stadia Management Board, 2002, I hereby grant you the authority to pursue the naming rights as requested.

As you engage in this noble task, ensure that all legal and procurement procedures are adhered to the letter.

Yours *Sincerely,*


JAMES M. WAWERU, CBS
PERMANENT SECRETARY

Noted
AD
ADBD
Initiate procurement process as per authorization given in this letter naming rights of facilities

MAY 21st 2013



Ojiamong tables Sh5bn budget for Busia county

BY GILBERT OCHIENG

BUSIA county will receive an estimated revenue of Sh5 billion during the 2013-14 financial year.

Addressing assembly members after presenting the first budget policy statement for 2013-14 in Busia yesterday, governor Sospeter Ojiamong said the budget focuses on the production capacity of natural and human resources.

"We propose to concentrate our funding to agricultural production,

business development, education and provision of clean water to Busia residents. To achieve this, the county will rely heavily on disbursement from the Commission on Revenue Allocation amounting to Sh4.8 billion and Sh279 million from local revenue sources," said Ojiamong.

He said the county government will fund the construction of early childhood centres in public primary schools.

"We will provide educational support of Sh100 million," said Ojiamong.

IN BRIEF

CDF chair asks for missing car
The new Teso North CDF chairman, Sammy Ikwarar, assumed office yesterday and found the fund's car missing.

Speaking to the press in Katakwa, Ikwarar said he was informed that the car had been relocated to Busia.

Our group fund secretary Evans Lunga said a circular from the national CDF Management Board outlines how assets will be split between Teso North and South constituencies.

The two split from Amara constituency.

Katakwa ACK marks 21 years

TESO THE Anglican Church of Kenya's Katakwa Diocese on Sunday marked their 21st anniversary.

Retired bishop Gerishom Ilukor of Kumi Diocese in Uganda presided over the ceremony.

He told Katakwa faithful to move with speed to meet conditions needed for a full cathedral.

The occasion was moderated by former secretary of the Church and current Busia Deputy Speaker Moses Ote and witnessed by host Bishop Zakayo-Epus.

NGO to inform locals on roles

BUNGOMA Majority of Kenyans are ignorant of their roles and that of the county governments, an NGO has said.

Speaking at a workshop in Cheptais yesterday, African Aid area manager Alice Kumani said county governments will not be checked effectively if residents do not understand their roles.

"Residents should be included in decision making," said Kimani. She said her organisation has launched a capacity building campaign in Bungoma county.

TENDER NOTICE

NAMING RIGHTS OPPORTUNITIES FOR NYAYO NATIONAL STADIUM, KASARANI MAIN STADIUM AND KASARANI INDOOR ARENA (THE GYMNASIUM)

Sports Stadia Management Board (SSMB) is a state corporation established under the State Corporation Act of Legal Notice Number 180 of 2002 whose core mandate is to manage, maintain and market sports facilities for maximum utilization and revenue generation. SSMB currently manages Moi International Sports Centre, Kasarani and Myayo National Stadium both located in Nairobi.

Sports Stadia is putting on offer Naming Rights for three of its key facilities, namely:

1. Myayo National Stadium
2. Kasarani Indoor Arena
3. Kasarani Main Stadium

The Naming Rights are being offered independently for each facility; however, an interested firm can take up all the facilities on offer by presenting to SSMB a bid for each of the facility, so long as that bid will be the most competitive for each category. The duration for the Naming Rights will be 3 years; however, negotiations for a longer period is acceptable as per the conditions set out in the tender documents. The scope and the benefits of the Naming Rights are spelt out in the tender documents.

Interested and eligible firms may obtain further information and purchase tender documents from procurement office at Moi International Sports Centre, Kasarani, during normal working hours upon payment of non-refundable fee of KShs. 4,000 (four thousand shillings only) payable to the accounts office.

Complete tender documents in plain sealed envelope clearly marked "RFP/SSMB/002/012-013" should be addressed as shown below and deposited in the tender box situated on the 1st floor of the main office so as to be received on or before 7th June 2013 at 10.30a.m.

THE CHIEF EXECUTIVE OFFICER
SPORTS STADIA MANAGEMENT BOARD
P.O. BOX PRIVATE BAG, KASARANI

Tenders shall be opened immediately thereafter and bidders interested in witnessing the opening are welcome.

More information on the criteria for eligibility can be obtained in our website www.stadiumkenya.co.ke

CHIEF EXECUTIVE OFFICER
SPORTS STADIA MANAGEMENT BOARD



15

MINISTRY OF YOUTH AFFAIRS AND SPORTS
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MYS 14/10 Vol. IV(42)

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AD
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MAY 21st 2013



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**CHIEF EXECUTIVE OFFICER
SPORTS STADIA MANAGEMENT BOARD**

Ojaamong tables Sh5bn budget for Busia county

BY GILBERT OCHIENG

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Addressing assembly members after presenting the first budget policy statement for 2013-14 in Busia yesterday, governor Sosipeter Ojaamong said the budget focuses on the production capacity of natural and human resources.

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"Residents should be included in decision making," said Kimani. She said her organisation has launched a capacity building campaign in Bungoma county.

THE STAR Tuesday, May 21, 2013

He said the proposal for the construction has been approved.

The factory chairman Barnabas Kayos said the funding will ease pressure on the facility which currently serves the entire region.

"This project will tremendously ease transport costs and help farmers maximise their profits," Kayos said.

Mr Elgon co-operatives officer Willy Opmi asked farmers to scale up production so as to exploit the additional capacity available with the new facilities.

Opmi asked the members to be transparent in the management of the society so as to attract more investors.

CDF chair asks for missing car

TESO The new Teso North CDF chairman, Sammy Ikwaras, assumed office yesterday and found the fund's car missing.

Speaking to the press in Katakwa, Ikwaras said he was informed that the car had been relocated to Busia.

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The two split from Amogoro constituency.

Katakwa AGK marks 21 years

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Retired bishop Gerishom Ilukor of Kumi Diocese in Uganda presided over the ceremony.

He told Katakwa faithful to move with speed to meet conditions needed for a full cathedral.

The occasion was moderated by former secretary of the Church and current Busia Deputy Speaker Moses Ore and witnessed by host Bishop Zakayo-Epus.

WIN BRIEF

THE STATE LAW OFFICE

18/181

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E-mail: sg@ag.go.ke
When replying please quote



THE SOLICITOR-GENERAL
THE STATE LAW OFFICE
ATTORNEY-GENERAL'S CHAMBERS
P.O. BOX 40112-00100
NAIROBI, KENYA
March 25, 2009

Ref. No. **AG/CONF/2/C/73 VOL. II**
and date

Mr. Sam Mwai
Chief Executive Officer
Sports Stadia Management Board
Private Bag
Kasarani
NAIROBI



RE: LEGAL OPINION ON A NAMING RIGHTS CONTRACT IN RESPECT OF THE NYAYO NATIONAL STADIUM BETWEEN THE SPORTS STADIA MANAGEMENT BOARD (SSMB) AND COCA-COLA EAST AND CENTRAL AFRICA LIMITED.

We acknowledge receipt of your letter Ref. No. **SSMB/LS/62 (180)** dated March 17, 2009 on the above-captioned matter.

We have studied the provisions of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya (hereinafter "The Act") and render the following legal opinion:

The Objective of the Act

1. According to the long title of the Act, the objective of the Act is "**to prevent the improper use of the National Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags.**"
2. The commercial purposes envisaged by the Act are specified in Section 3, which prohibits the:
 - (a) "use (of) any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
 - (b) use (of) any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or

TENDER NOTICE

PROVISION OF MEDIA MONITORING SERVICES-CCK/PROC/RFP/10/2012-2013

The Communications Commission of Kenya (CCK) is the regulatory authority for the ICT industry in Kenya with responsibilities in telecommunications, e-commerce, broadcasting and postal/courier services. CCK is also responsible for managing the country's numbering and frequency spectrum resources.

CCK wishes to invite sealed tenders from eligible and competent firms for provision of media monitoring services. These services will, among others, help CCK evaluate media/publicity campaigns, market intelligence and thought leadership in its areas of mandate as reflected in the media.

Interested firms may obtain tender documents from the **Procurement Office, CCK Centre**, upon payment of a **non-refundable fee of Kenya Shillings Two Thousand (Kshs 2,000)** either in cash or bankers cheque payable to Communications Commission of Kenya.

Completed RFP Tender Documents should be submitted in a plain sealed envelope clearly marked **CCK/PROC/RFP/10/2012-2013 Tender for provision of media monitoring services**.

The envelope should be deposited in the Tender Box on the ground floor of the CCK Centre or sent to the address given below, so as to reach on or before **12th June, 2013 at 2.30 p.m.**

The Secretary
Tender Committee
Communications Commission of Kenya
P.O. Box 14448, Nairobi 00800
Tel: +254(020) 4242000
Mobile: +254 0703-042000
 +254 736 121515/121414
 +254 727 531278/531279
CDMA Lines: 20-2441081/2/3/4 20-2655312
 20-2672553/6/7 20-2464110
E-mail: info@cck.go.ke
Website: www.cck.go.ke

Tenders will be opened immediately thereafter at the 1st floor Meeting Room 2, CCK Centre, at 2:30pm in the presence of Tenderers' representatives who choose to attend.



TENDER NOTICE

NAMING RIGHTS OPPORTUNITIES FOR NYAYO NATIONAL STADIUM, KASARANI MAIN STADIUM AND KASARANI INDOOR ARENA (THE GYMNASIUM)

Sports Stadium Management Board (SSMB) is a state corporation established under the State Corporation Act, whose core mandate is to manage, maintain and market sports facilities for maximum utilization and revenue generation. SSMB currently manages Moi International Sports Centre, Kasarani and Nyayo National Stadium both located in Nairobi. Sports Stadium is putting on offer Naming Rights for three of its key facilities, namely:

1. NYAYO NATIONAL STADIUM
2. KASARANI INDOOR ARENA
3. KASARANI MAIN STADIUM

The Naming Rights are being offered independently for each facility, however, an interested firm can take up all the facilities on offer by presenting to Sports Stadium a bid for each of the facility. So long as that bid will be the most competitive per each category. The duration for the Naming Rights will be 3 years, however, negotiations for a longer period is acceptable as per the conditions set out in the tender documents. The scope of the Naming rights and the benefits are also spelled out in the tender documents.

Interested and eligible firms may obtain further information and purchase tender documents from procurement office at Moi International Sports Centre, Kasarani, during normal working hours upon payment of non-refundable fee of Kshs. 4000 (Four thousand shillings only) payable to the accounts office.

Complete tender documents in plain sealed envelope, cleared marked **"TENDER SSMB / RFP 1003 / 2012-2013"** should be addressed as shown below and deposited in the tender box situated on the 1st floor of the main office so as to be received on or before **8th June 2013 at 10:30am**.

THE CHIEF EXECUTIVE OFFICER
SPORTS STADIUM MANAGEMENT BOARD
P.O. BOX PRIVATE BAG
KASARANI

Tenders shall be opened immediately thereafter and bidders interested in witnessing the opening are welcomed.

More information on the criteria for eligibility can be obtained in our website www.stadiumkenya.co.ke

CHIEF EXECUTIVE OFFICE

TENDER NOTICE

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CDMA Lines: 20-2441081/2/3/4 20-2655312
20-2672553/6/7 20-2464110
E-mail: info@cck.go.ke
Website: www.cck.go.ke

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TENDER NOTICE

NAMING RIGHTS OPPORTUNITIES FOR NYAYO NATIONAL STADIUM, KASARANI MAIN STADIUM AND KASARANI INDOOR ARENA (THE GYMNASIUM)

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Sports Stadiums putting on offer Naming Rights for three of its key facilities, namely:

1. NYAYO NATIONAL STADIUM
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3. KASARANI MAIN STADIUM

The Naming Rights are being offered independently for each facility, however, an interested firm can take up all the facilities on offer by presenting to Sports Stadium a bid for each of the facility, so long as that bid will be the most competitive per each category. The duration for the Naming Rights will be 3 years, however, negotiations for a longer period is acceptable as per the conditions set out in the tender documents. The scope of the Naming rights and the benefits are also spell out in the tender documents.

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THE CHIEF EXECUTIVE OFFICER
SPORTS STADIUM MANAGEMENT BOARD
P.O. BOX PRIVATE BAG
KASARANI

Tenders shall be opened immediately thereafter and bidders interested in expressing the opening are welcomed.
More information on the criteria for eligibility can be obtained in our website www.stadiumsknaya.co.ke

CHIEF EXECUTIVE OFFICE

THE STATE LAW OFFICE

18

Telephone: +254-20-2227461
Fax: +254-20-2214343
E-mail: sg@ag.go.ke
When replying please quote



THE SOLICITOR-GENERAL
THE STATE LAW OFFICE
ATTORNEY-GENERAL'S CHAMBERS
P.O. BOX 40112-00100
NAIROBI, KENYA
March 25, 2009₂₀

Ref. No. **AG/CONF/2/C/73 VOL. II**
and date

Mr. Sam Mwai
Chief Executive Officer
Sports Stadia Management Board
Private Bag
Kasarani
NAIROBI



RE: LEGAL OPINION ON A NAMING RIGHTS CONTRACT IN RESPECT OF THE NYAYO NATIONAL STADIUM BETWEEN THE SPORTS STADIA MANAGEMENT BOARD (SSMB) AND COCA-COLA EAST AND CENTRAL AFRICA LIMITED.

We acknowledge receipt of your letter **Ref. No. SSMB/LS/62 (180)** dated March 17, 2009 on the above-captioned matter.

We have studied the provisions of the National Flags, Emblems and Names Act, Chapter 99 of the Laws of Kenya (hereinafter "The Act") and render the following legal opinion:

The Objective of the Act

1. According to the long title of the Act, the objective of the Act is "**to prevent the improper use of the National Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags.**"
2. The commercial purposes envisaged by the Act are specified in Section 3, which prohibits the:
 - (a) "use (of) any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
 - (b) use (of) any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or

(c) manufacture or import (of) any article or goods bearing any specified emblem, specified name or specified likeness, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection."

3. However, the foregoing prohibitions are subject to two exceptions:

(a) According to **section 3 (1)**, the Minister may grant a written permission in respect of the activities specified in paragraphs (a) –(c) thereunder; and

(b) The prohibition under section 3 (1) (a) does not apply "to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or as advertisement for, any trade, business, calling or profession."

What are Specified Names?

4. Section 2 of the Act defines "specified name" as "any of the names and words specified in Part II of the First Schedule to this Act, and includes any abbreviation of any such name."

5. The following are the names and words specified in Part II of the First Schedule to the Act:

(a) "The name of the President;

(b) The words "Harambee", "Jamhuri", "Madaraka" and "Nyayo".

Whether the Act Applies to the Instant Naming Rights Arrangement

6. We gather from your letter that the proposed name for the stadium was "**Coca-Cola Nyayo National Stadium**". In order to establish whether the use of the specified name "Nyayo" is of the kind prohibited under Section 3 of the Act, we proceed to address ourselves to the relevant provisions of the Naming Rights Contract.

7. The Naming Rights Contract sets out the following:

(a) The appointment of Coca-Cola East Africa Limited (hereinafter "the company"), as the exclusive naming rights sponsor for the Nyayo National Stadium. This appointment grants the company the right to, *inter alia*:

- (i) rename the Nyayo National Stadium for the 3-year contract period, i.e. in the name and style of "Coca-Cola National Stadium" or such other name as the parties may designate and agree to in writing;
 - (ii) advertise, promote and market its non-alcoholic beverages (under various brand names, including, Coca-Cola, Sprite, Fanta, Dasani, Minute Maid, Burn, Sunfill, Chaywa and Novida at the stadium(i.e. at the fences, roof claddings, flags at the parking lot, light boxes in all parking lots, main stadium signage, railing of all the stands, canopy of the Presidential Dias, etc.);
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 - (vi) be allocated tickets in respect of all football matches (as nominated by the SSMB) played at the stadium on a complimentary basis; and
 - (vii) Reasonable branding of SSMB's stationery, and tickets.
- (b) The consideration for the grant of naming rights amounting to Kenya shillings 98, 000,000.00 payable as follows:
- (i) Year 1 – Kshs. 35,000,000.00
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(c) The specific and general obligations of the parties.

8. It is clear from the foregoing that the contract grants the company the right to advertise its products using the name of the stadium by different means, such as placing of full page advertisements in respect of all football matches played at the stadium.
9. Therefore, in view of the fact that advertisement of any trade, business, calling or profession is one of the commercial activities in respect of which the use of a specified name, in this case "Nyayo", is prohibited under section 3 of the Act, we agree with the company to the extent

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that it cited such prohibition as a justification for proposing the adoption of a different name for the stadium.

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The Way Forward

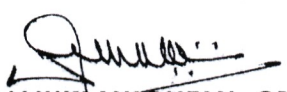
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(b) To seek the Minister's written permission in relation to the use of the specified name "Nyayo" without contravening the provisions of section 3 (a)-(c) of the Act. Once the Minister's permission is granted, the parties would be at liberty to amend the Naming Rights Contract with a view to reflecting the approved name of the stadium.

Yours

Sincerely,


WANJUKI MUCHEMI, CBS
SOLICITOR GENERAL

Copy to: **Mr. Kinuthia Murugu, CBS**
Permanent Secretary
Ministry of Youth Affairs and Sports
Kencom House, 3rd Floor
NAIROBI

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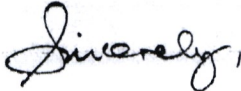
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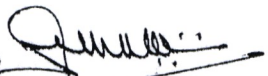
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WANJUKI MUCHEMI, CBS
SOLICITOR GENERAL

Copy to: **Mr. Kinuthia Murugu, CBS**
Permanent Secretary
Ministry of Youth Affairs and Sports
Kencom House, 3rd Floor
NAIROBI

7B

SSMB/NR/348 (70)

4th May, 2012

Mr. James Waweru, CBS
Permanent Secretary
Ministry of Youth Affairs & Sports
Kencom House
P.O. Box 34303 – 00100
NAIROBI

Dear Sir,

RE: NAMING AND BRANDING RIGHTS AT MOI
INTERNATIONAL SPORTS CENTRE – KASARANI (MISC –K)

The Board of Directors of Sports Stadia Management Board (SSMB) held a meeting on Friday 27th April, 2012 at Nyayo National Stadium where the management was given approval to pursue naming and branding rights for facilities under Moi International Sports Centre – Kasarani.

The basis of the approval was on the following facts;

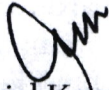
1. The name of the entire Sports Stadia Management Board (SSMB) estate located at Kasarani will continue to be known as Moi International Sports Centre (MISC-K).
2. The facilities within namely;
 - The main stadium
 - The Aquatic stadium
 - The indoor arena, commonly referred to as the gymnasium,
 - The Stadion Hotel

- The housing estate will be on offer for naming and branding rights.
- 3. The facilities will continue to be under the management and administration of Sports Stadia Management Board (SSMB).
- 4. The rights will be offered under a three (3) year, renewable contract to the most competitive bidder.

Consequently the Board intends to advertise these opportunities as soon as possible. This concept remains one of the most reliable methods of securing corporate sponsorship in the maintenance and development of sports facilities worldwide.

It is in view of this that I am writing to seek guidance and consent from your office before we proceed.

Yours *Sincerely,*



Gabriel Komora
Ag. Chief Executive Officer



25

MINISTRY OF YOUTH AFFAIRS AND SPORTS
OFFICE OF THE PERMANENT SECRETARY

Tel: +254-020-240068
Fax: +254-20-312351
Website: www.youthaffairs.go.ke
E-mail: infor@youthaffairs.go.ke
When replying please quote

Kencom House, 3rd Floor
P.O. Box 34303-00100
NAIROBI, KENYA



MYS 14/10 Vol. IV(42)

Ref.No. and date

8th May 2013

Mr. Gabriel Komora
Ag. Chief Executive Officer
Sports Stadia Management Board
Private Bag
KASARANI

Dear *Mr. Komora,*

NAMING RIGHTS

Refer to your letter No. SSMB/NR/348/92 dated 29th January, 2013 on the above mentioned subject.

In line with your core functions and powers provided for under the Sports Stadia Management Board, 2002, I hereby grant you the authority to pursue the naming rights as requested.

As you engage in this noble task, ensure that all legal and procurement procedures are adhered to the letter.

Yours *Sincerely,*


JAMES M. WAWERU, CBS
PERMANENT SECRETARY

Noted
AD
ADBD
Initiate procurement process as per authority given in this letter naming rights of facilities

MAY 21st 2013



TENDER NOTICE

NAMING RIGHTS OPPORTUNITIES FOR NYAYO NATIONAL STADIUM, KASARANI MAIN STADIUM AND KASARANI INDOOR ARENA (THE GYMNASIUM)

Sports Stadia Management Board (SSMB) is a state corporation established under the State Corporation Act of Legal Notice Number 180 of 2002 whose core mandate is to manage, maintain and market sports facilities for maximum utilization and revenue generation. SSMB currently manages Moi International Sports Centre, Kasarani and Nyayo National Stadium both located in Nairobi.

Sports Stadia is putting on offer Naming Rights for three of its key facilities, namely:

1. Nyayo National Stadium
2. Kasarani Indoor Arena
3. Kasarani Main Stadium

The Naming Rights are being offered independently for each facility; however, an interested firm can take up all the facilities on offer by presenting to SSMB a bid for each of the facility, so long as that bid will be the most competitive per each category. The duration for the Naming Rights will be 3 years; however, negotiations for a longer period is acceptable as per the conditions set out in the tender documents. The scope and the benefits of the Naming Rights are spelt out in the tender documents.

Interested and eligible firms may obtain further information and purchase tender documents from procurement office at Moi International Sports Centre, Kasarani, during normal working hours upon payment of non-refundable fee of KShs. 4,000 (four thousand shillings only) payable to the accounts office.

Complete tender documents in plain sealed envelope, clearly marked "RFP/SSMB/002/012-013" should be addressed as shown below and deposited in the tender box situated on the 1st floor of the main office so as to be received on or before **7th June 2013 at 10.30a.m.**

**THE CHIEF EXECUTIVE OFFICER
SPORTS STADIA MANAGEMENT BOARD
P.O. BOX PRIVATE BAG, KASARANI**

Tenders shall be opened immediately thereafter and bidders interested in witnessing the opening are welcome.

More information on the criteria for eligibility can be obtained in our website www.stadiumkenya.co.ke

**CHIEF EXECUTIVE OFFICER
SPORTS STADIA MANAGEMENT BOARD**

Ojaamong tables Sh5bn budget for Busia county

BY GILBERT OCHIENG

BUSIA county will receive an estimated revenue of Sh5 billion during the 2013-14 financial year.

Addressing assembly members after presenting the first budget policy statement for 2013-14 in Busia yesterday, governor Sospeter Ojaamong said the budget focuses on the production capacity of natural and human resources.

"We propose to concentrate our funding to agricultural production,

business development, education and provision of clean water to Busia residents. To achieve this, the county will rely heavily on disbursement from the Commission on Revenue Allocation amounting to Sh4.8 billion and Sh2.9 million from local revenue sources," said Ojaamong.

He said the county government will fund the construction of early childhood centres in public primary schools.

"We will provide educational support for Sh100 million," said Ojaamong.

NGO to inform locals on roles

BUNGOMA Majority of Kenyans are ignorant of their roles and that of the county governments, an NGO has said.

Speaking at a workshop in Cheptais yesterday, Action Aid area manager Alice Kumari said county governments will not be checked effectively if residents do not understand their roles.

"Residents should be included in decision making," said Kumari. She said her organisation has launched a capacity building campaign in Bungoma county.

Katakwa ACK marks 21 years

TESO THE Anglican Church of Kenya's Katakwa Diocese on Sunday marked their 21st anniversary.

Retired bishop Gerishom Ilukor of Kumi Diocese in Uganda presided over the ceremony.

He told Katakwa faithful to move with speed to meet conditions needed for a full cathedral. The occasion was moderated by former secretary of the Church and current Busia Deputy Speaker Moses Ote and witnessed by host Bishop Zakayo Epus.

CDF chair asks for missing car

TESO The new Teso North CDF chairman, Sammy Ikwaras, assumed office yesterday and found the fund's car missing.

Speaking to the press in Katakwa, Ikwaras said he was informed that the car had been relocated to Busia.

Outgoing fund secretary Evans Enaga said a circular from the national CDF Management Board outlines how assets will be split between Teso North and South constituencies. The two split from Arngoro constituency.

THE STAR Tuesday, May 21, 2013

He said the proposal for the construction has been approved.

The factory chairman Barnabas Kayos said the funding will ease pressure on the facility which currently serves the entire region.

"This project will tremendously ease transport costs and help farmers maximise their profits," Kayos said.

Mr Elgon co-operatives officer Willys Opemi asked farmers to scale up production so as to exploit the additional capacity available with the new facilities.

Opemi asked the members to be transparent in the management of the society so as to attract more investors.

WIN BRIEF

TENDER NOTICE

PROVISION OF MEDIA MONITORING SERVICES- CCK/PROC/RFP/10/2012-2013

The Communications Commission of Kenya (CCK) is the regulatory authority for the ICT industry in Kenya with responsibilities in telecommunications, e-commerce, broadcasting and postal/courier services. CCK is also responsible for managing the country's numbering and frequency spectrum resources.

CCK wishes to invite sealed tenders from eligible and competent firms for provision of media monitoring services. These services will, among others, help CCK evaluate media/publicity campaigns, market intelligence and thought leadership in its areas of mandate as reflected in the media.

Interested firms may obtain tender documents from the **Procurement Office, CCK Centre**, upon payment of a non-refundable fee of **Kenya Shillings Two Thousand (Kshs2,000)** either in cash or bankers cheque payable to Communications Commission of Kenya.

Completed RFP Tender Documents should be submitted in a plain sealed envelope clearly marked **CCK/PROC/RFP/10/2012-2013 Tender for provision of media monitoring services**.

The envelope should be deposited in the Tender Box on the ground floor of the CCK Centre or sent to the address given below, so as to reach on or before **12th June, 2013 at 2.30 p.m.**

The Secretary
Tender Committee
Communications Commission of Kenya
P.O. Box 14448, Nairobi 00800
Tel: +254 (020) 4242090
Mobile: +254 0703-042000
 +254 736 121515/121414
 +254 727 531278/531279
CDMA Lines: 20-2441081/2/3/4 20-2655312
 20-2672553/6/7 20-2464110
E-mail: info@cck.go.ke
Website: www.cck.go.ke

Tenders will be opened immediately thereafter at the 1st floor Meeting Room 2, CCK Centre, at 2:30pm in the presence of Tenders' representatives who choose to attend.



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NAMING RIGHTS OPPORTUNITIES FOR NYAYO NATIONAL STADIUM, KASARANI MAIN STADIUM AND KASARANI INDOOR ARENA (THE GYMNASIUM)

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THE CHIEF EXECUTIVE OFFICER
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THE SOLICITOR-GENERAL
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P.O. BOX 40112-00100
NAIROBI, KENYA

March 25, 2009

Ref. No. **AG/CONF/2/C/73 VOL. II**
and date

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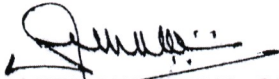
11. As such, there are two options available to the parties in the naming rights arrangement:

(a) To adopt a name that does not include the specified name "Nyayo" such as the one contained in the Naming Rights Contract, i.e. "Coca-Cola National Stadium"; or

(b) To seek the Minister's written permission in relation to the use of the specified name "Nyayo" without contravening the provisions of section 3 (a)-(c) of the Act. Once the Minister's permission is granted, the parties would be at liberty to amend the Naming Rights Contract with a view to reflecting the approved name of the stadium.

Yours

Sincerely,


WANJUKI MUCHEMI, CBS
SOLICITOR GENERAL

Copy to: **Mr. Kinuthia Murugu, CBS**
Permanent Secretary
Ministry of Youth Affairs and Sports
Kencom House, 3rd Floor
NAIROBI

There is no record of any correspondence from your Ministry recommending that this Ministry pays the casuals. The complainant's claims cannot be honoured as there is no correspondence from any government office or official to support their claim.

Yours *Sincerely*

Francis
F. T. KIMEMIA, CBS
PERMANENT SECRETARY

Encl.